

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

RANDOLPH SMITH,

Plaintiff,

v.

**9:06-CV-401
(FJS/DEP)**

GLENN GOORD,

Defendant.

APPEARANCES

OF COUNSEL

RANDOLPH SMITH

05-A-0232

Mt. McGregor Correctional Facility

1000 Mt. McGregor Road

Wilton, New York 12831

Plaintiff *pro se*

**OFFICE OF THE NEW YORK
STATE ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendant

STEVEN H. SCHWARTZ, AAG

SCULLIN, Senior Judge

ORDER

In a Report and Recommendation dated July 30, 2007, Magistrate Judge Peebles recommended that the Court grant Defendant's motion for summary judgment. *See* Dkt. No. 22. Plaintiff has filed objections and supplemental objections to those recommendations (hereinafter referred to collectively as "objections"). *See* Dkt. Nos. 24, 26.

In his objections, Plaintiff raises many of the same arguments that he did in opposition to Defendant's motion for summary judgment. In addition, he asks the Court to grant him leave to

amend his complaint to name other individuals as Defendants in this action. *See* Dkt. No. 24 at (unnumbered) 1. Plaintiff also requests that the Court permit him to conduct discovery so that he can obtain "grievances and complaints that were made and appealed to the defendant concerning the alleged constitutional violations. They are to be obtained from Central Office Review Committee ("CORC") along with other relevant document[s] relating to the grievances and complaints." *See id.* at (unnumbered) 4.

The Court has reviewed the file in its entirety and concurs with Magistrate Judge Peebles that Plaintiff had failed to raise an issue of fact regarding Defendant Goord's knowledge that the staff at Green Meadow Correctional Facility did not properly implement the TB testing policy and its prescribed religious exception. Moreover, in his objections, Plaintiff does nothing more than assert conclusory allegations that are insufficient to permit amendment of his complaint or to warrant any discovery.

Accordingly, the Court hereby

ORDERS that Magistrate Judge Peebles' July 30, 2007 Report and Recommendation is **ADOPTED IN ITS ENTIRETY for the reasons stated therein**; and the Court further

ORDERS that Defendant's motion for summary judgment is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED.

Dated: March 30, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge